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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 10-0376 JSW
)	
Plaintiff,)	JOINT CASE STATUS MEMORANDUM
)	
v.)	
)	
OSHAN COOK,)	
)	
Defendant.)	
)	

The parties submit this Joint Case Status Memorandum as ordered by the Court on July 26, 2012.

Procedural Background

On August 26, 2010, the Grand Jury returned a five count Superseding Indictment, in which Defendant Oshan Cook is charged in Counts One, Two, Three, and Four. Count One charges Conspiracy to Distribute and Possess with Intent to Distribute MDMA in violation of 21 U.S.C. §§ 846 and 841(a)(1). Counts Two and Three charge Possession with Intent to Distribute

JOINT STATUS MEMORANDUM
CR 10-0376 JSW

MDMA in violation of 21 U.S.C. § 841(a)(1). Count Four charges Possession with Intent to Distribute LSD in violation of 21 U.S.C. § 841(a)(1).

Mr. Cook proceeded to trial on July 23, 2012. On July 26, 2012, the jury deadlocked, and the Court declared a mistrial.

Case Status

In light of a pre-paid vacation and a 3-week trial beginning on September 4, 2012, defense counsel is unavailable to re-try the case on October 1, 2012. The parties jointly request that the re-trial of the case against Mr. Cook be scheduled to take place on October 29, 2012. The parties agree that time is properly excluded for effective preparation of counsel and continuity of counsel.

The defense intends to request that the Court re-open the issue of the suppression of the backpack. The government opposes this request.”

Respectfully submitted,

DATED: July 31, 2012

/s/
DORON WEINBERG
Attorney for Defendant Cook

DATED: July 31, 2012

MELINDA HAAG
United States Attorney

/s/
CHINHAYI COLEMAN CADET
Assistant United States Attorney